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The Director

16 November 1948

Assistant General Counsel

Proposed CIA Law for Admission of Aliens.

1. Attached herewith is a draft of a section regarding the admission of aliens for the proposed CIA law.

2. This draft is substantially the same as that proposed last year, with the following exceptions:

a. Line 1 has been changed from, "When the Director shall determine. . ." to read "Whenever the Director and the Attorney General shall determine. . ."; and

b. The number of aliens to be admitted has been raised from 50 to 100.

3. The change set forth in paragraph 2(a), above, was made pursuant to a request contained in a letter, copy of which is attached, from Peyton Ford, The Assistant to the Attorney General, to the Director of the Bureau of the Budget, dated 17 March 1948. This letter also suggested that the word "application", contained in line 11 of the attached draft, was intended to be either "applicant" or "alien". Actually, the intention was to use the word "application", as the present laws require the application to be in a certain form, failure of which would bar issuance of the visa. Therefore, we have retained the word "application" in the present draft.

4. While we have not cleared with the Department of Justice on the raising of the figure from 50 to 100, no objection from them is envisaged, as they have been most cooperative and approved the draft last year.

5. Last year's draft was also approved by the Comptroller General in a letter to the Director of the Bureau of the Budget, dated 12 March 1948, in which, speaking of Section 6 which included the proposed admission of aliens, Lindsay C. Warren stated that while the section provided -

> "for the granting of much wider authority than I would ordinarily recommend for Government agencies generally, the purposes sought to be obtained by the establishment of the Central Intelligence Agency are believed to be of such paramount importance as to justify the extraordinary measures proposed therein. . . . In

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an atomic age, where the act of an unfriendly power might, in a few short hours, destroy, or seriously damage the security, if not the existence of the nation itself, it becomes of vital importance to secure, in every practicable way, intelligence affecting its security. The necessity for secrecy in such matters is apparent and the Congress apparently recognized this fully in that it provided in section 102(d) 3 of Public Law 253, that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure. Under these conditions, I do not feel called upon to object to the proposals advanced in sections . . .6 . . . of the act."

6. Opposition to this proposal was voiced for the State Department by Under Secretary Lovett in a letter to the Director of the Bureau of the Budget, dated 11 March 1948, copy attached. In this letter he states that the grant of power seems to be too broad and "would appear to be incompatible" with immigration regulations. As immigration regulations fall within the authority of the Attorney General who has not seen fit to object, it would seem that State's objection is without validity.

Mr. Lovett states that the State Department will be glad to cooperate with CIA on specific requests for visas, and they have done so. However, they are only in a position to issue temporary visas at this time, as most quotas are oversubscribed for years. Our pressing need is for entry for permanent residence, which the State Department cannot grant.

Mr. Lovett also states that our proposal would be dangerous from the security standpoint. If, after admission to the United States under our procedures, an alien becomes a security problem, he will be subject to deportation, unless and until he becomes a citizen. In addition, this problem of security is not one for the Department of State, but one for the Department of Justice, which has already concurred with us.

Walter L. Pforzheimer

Attachments
WLP:blc

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